

B. Chapter 5, SPECIAL PURPOSE (SP), Section 533 RESIDENTIAL RECREATION SPACE, is amended as follows:

1. In subsection 533.1, by replacing the existing clause with the following:

“533.1 When all or a portion of a building in an SP District is devoted to a residential use other than a one-family dwelling, flat, or hotel, residential recreation space shall be provided.”
2. In subsection 533.3, by deleting the word “other”.
3. In subsection 533.5, by deleting the words “safe, secure, and”.
4. In subsection 533.8, by replacing the existing clause with the following:

“533.8 Any portion of a roof to be used for residential recreation space, shall have no dimension less than eight (8) feet.”
5. By adding new subsections 533.11 – 533.13, as follows:

“533.11 Reduction or elimination of the required residential recreation space shall be permitted as a special exception if approved by the Board of Zoning Adjustment under § 3104, provided that the provisions of §§ 533.12 – 533.13 are satisfied.

533.12 The Board shall give consideration to the following.

  - (a) Nature and location of residential recreation space being provided on-site;
  - (b) Presence of private outdoor space within the project, such as balconies, decks, or patios;
  - (c) Nature and location of park and recreation opportunities in the immediate neighborhood. The impact of the project on neighborhood park and recreation facilities shall be found to be acceptable or capable of being mitigated;
  - (d) Overlay requirements for retail or arts space within the building; and
  - (e) Constraints associated with the building or site that limit the ability to provide residential recreation space within the building or on the site, including ADA or building code restrictions, the conversion of an existing building from another use, and historic structure or small or irregular lot constraints.

533.13 Prior to taking hearing action on an application, the Board shall refer the application to the Office of Planning and the D.C. Department of Parks and Recreation for assessment of the impact

of the proposal on park and recreation facilities within a half-mile radius of the project site.”

- C. Chapter 6, MIXED USE COMMERCIAL RESIDENTIAL (CR), Section 635 RESIDENTIAL RECREATION SPACE, is amended by replacing the existing section in its entirety with a new Section 635 as follows:

“635 RESIDENTIAL RECREATION SPACE (CR)

- 635.1 For the purposes of this section, the phrase “residential use” shall include dwellings, flats, multiple dwellings, rooming and boarding houses, and community-based residential facilities. When all or a portion of a building in a CR District is devoted to a residential use, private residential recreation space shall be provided.
- 635.2 An area equal to not less than fifteen percent (15%) of the gross floor area devoted to residential use shall be provided as private residential recreation space, in accordance with the provisions of §§ 635.3 through 635.8.
- 635.3 Private residential recreation space may be located at ground level, on or above the residential plane, on rooftops, or within the building or structure.
- 635.4 No less than seventy percent (70%) of the total residential recreation space shall be outdoors.
- 635.5 The private residential recreation space shall be equipped or landscaped for the active or passive recreation for use of the residents.
- 635.6 Rooftops that contain residential recreation space may have a parapet wall not to exceed five feet (5 ft.) in height.
- 635.7 Any portion of a roof to be used for residential recreation space shall have no dimension less than eight (8) feet.
- 635.8 The floor area devoted to residential recreation space shall not be counted in determining the amount of off-street parking spaces or loading berths.
- 635.9 Reduction or elimination of the required private residential recreation space shall be permitted as a special exception if approved by the Board of Zoning Adjustment under § 3104, provided that the provisions of §§ 635.10 – 635.11 are satisfied.
- 635.10 The Board shall give consideration to the following.

- (a) Nature and location of residential recreation space being provided on-site;
- (b) Nature and location of park and recreation opportunities in the immediate neighborhood. The impact of the project on neighborhood park and recreation facilities shall be found to be acceptable or capable of being mitigated;
- (c) Overlay requirements for retail or arts space within the building; and
- (d) Constraints associated with the building or site that limit the ability to provide residential recreation space within the building or on the site, including ADA or building code restrictions, the conversion of an existing building from another use, and historic structure or small or irregular lot constraints.

635.11 Prior to taking hearing action on an application, the Board shall refer the application to the Office of Planning and the D.C. Department of Parks and Recreation for assessment of the impact of the proposal on park and recreation facilities within a half-mile radius of the project site.”

C. Chapter 7, COMMERCIAL (C), Section 773 RESIDENTIAL RECREATION SPACE, is amended as follows:

- 1. In subsection 773.1, by adding the word “residential” before the phrase “recreation space.”
- 2. In subsection 773.2, by adding at the end of the subsection the following:  
“in accordance with the provisions of §§ 773.3 through 773.10.”
- 3. In subsection 773.5, by replacing the existing subsection with the following:  
“773.5 The recreation space shall equipped or landscaped for the active or passive recreation use of the residents.”
- 3. In subsection 773.8, by replacing the existing subsection with the following:  
“773.8 Any portion of a roof to be used for residential recreation space shall have no dimension less than eight (8) feet.”
- 4. By adding new subsections 773.11 – 773.13, as follows:  
“773.11 Reduction or elimination of the required residential recreation space shall be permitted as a special exception if approved by the

Board of Zoning Adjustment under § 3104, provided that the provisions of §§ 773.12 – 773.13 are satisfied.

773.12 The Board shall give consideration to the following.

- (a) Nature and location of residential recreation space being provided on-site;
- (b) Presence of private outdoor space within the project, such as balconies, decks, or patios;
- (c) Nature and location of park and recreation opportunities in the immediate neighborhood. The impact of the project on neighborhood park and recreation facilities shall be found to be acceptable or capable of being mitigated;;
- (d) Overlay requirements for retail or arts space within the building; and
- (e) Constraints associated with the building or site that limit the ability to provide residential recreation space within the building or on the site, including ADA or building code restrictions, the conversion of an existing building from another use, and historic structure or small or irregular lot constraints.

773.13 Prior to taking hearing action on an application, the Board shall refer the application to the Office of Planning and the D.C. Department of Parks and Recreation for assessment of the impact of the proposal on park and recreation facilities within a half-mile radius of the project site.”

C. Chapter 31 BOARD OF ZONING ADJUSTMENT RULES OF PRACTICE AND PROCEDURE, Section 3104 SPECIAL EXCEPTIONS, subsection 3104.1 is amended to add within the table in the appropriate alphabetical order the following:

TYPE OF SPECIAL EXCEPTION	ZONE DISTRICT	SECTIONS IN WHICH THE CONDITIONS ARE SPECIFIED
<u>“Residential Recreation Space</u>	<u>CR and any SP or C District</u>	<u>§§ 533.11, 635.9, 773.11”</u>

Proposed amendments to the Zoning Regulations and Map of the District of Columbia are authorized pursuant to the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797; D.C. Official Code § 6-641.01 *et seq.*) (2001 Ed.)).

**NOTICE OF PUBLIC HEARING**  
**Z.C. CASE NO. 05-02**  
**PAGE 6**

The public hearing on this case will be conducted in accordance with the provisions of § 3021 of the District of Columbia Municipal Regulations, Title 11, Zoning. Pursuant to § 3020, the Commission will impose time limits on testimony presented to it at the public hearing.

All individuals, organizations, or associations wishing to testify in this case should file their intention to testify in writing. Written statements, in lieu of personal appearances or oral presentations, may be submitted for inclusion in the record.

Information responsive to this notice should be forwarded to the Director, Office of Zoning, Suite 210, 441 4<sup>th</sup> Street, N.W., Washington, D.C. 20001. **FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.**

**CAROL J. MITTEN, ANTHONY J. HOOD, GREGORY JEFFRIES, JOHN G. PARSONS, AND KEVIN HILDEBRAND, ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY JERRILY R. KRESS, FAIA, DIRECTOR, AND BY CLIFFORD MOY, ACTING SECRETARY TO THE ZONING COMMISSION.**